

REMARKS

Contemporaneously with the filing of this Amendment, Applicant is filing a Request for Continued Examination. A check in the amount of \$375.00 is enclosed herewith to cover the Request for Continued Examination fee.

In one form of Applicant's invention there is provided an apparatus for protecting electronically published documents with a local computer system which can be connected locally by way of a global communication network commonly referred to as the internet (*emphasis added*), to an external data source and which is adapted to call up, execute, or output the electronically published documents, wherein the local computer system comprises local data storage means which is adapted for the storage of data of the electronically published document in a form which is not usable for a user, wherein the local computer system further comprises means for receiving and processing additional protection data provided by the external data source by way of the internet, as well as a linking means which is adapted to link a storage content of the local data storage means with the additional protection data and to produce the electronically published document therefrom in a form usable, meaningful or suitable for sensory perception by the user, and wherein the local computer system comprises output means selected in accordance with the type of the document to be electronically published, adapted to call up, execute or output the document in the form usable, meaningful or suitable for sensory perception by the user, wherein the data storage means is adapted to store the electronically published document in a non-reconstructed, in particular a non-linear form, wherein the non-reconstructed document can be converted into a reconstructed linear document, which is usable by the user, by the action of the linking means, utilizing the additional protection data, characterized in that the local computer system is designed to ensure such that a local storage of the produced document in the

form usable, meaningful or suitable for sensory perception is not possible, and a readability or usability of the produced document is dependent, in each session (*emphasis added*), on authenticated (*emphasis added*) contact or at least one temporary authenticated contact between the local computer system and the external data source via the internet.

In another form of Applicant's invention, there is provided a method for protection representation of electronically published documents, comprising the following steps: establishing contact or at least one temporary contact between a local computer system and an external data source via the internet; calling up document data from a local data storage means which is part of the local computer system and which stores the document data in a non-reconstructed; particularly a non-linear form, receiving additional protection data of the external data source connected to the local computer system by way of the internet thereby making readability or usability of the produced document dependent, in each session (*emphasis added*), on authenticated (*emphasis added*) contact or at least temporary authenticated contact between the local computer system and the external data source via the internet, linking the additional protection data to a content of the local data storage means to produce document data in a form usable, meaningful or suitable for sensory perception by the user, calling up, executing or outputting the document data in said form, usable, meaningful or suitable for sensory perception by the user, by means of output means selected in accordance with the type of the document to be published electronically, and ensuring such that a local storage of the produced document in the form usable, meaningful or suitable for sensory perception is not possible.

Claims 1, 3, 4, 6, 11 and 13-18 were rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 5,838,873 issued to Blatter Claims 5 and 12 were

rejected under 35 U.S.C. 103 as being obvious over Blatter. The Examiner pointed out that the smart card in the Blatter reference can be received over the internet. In addition, the Examiner pointed out that the term "on-line" is not given any special meaning beyond two computers being connected together.

Applicant has amended independent Claims 1 and 9 by deleting the terms "on-line" and "data transmission network" and replacing them with the "internet" which is a global communication network. Applicant has also amended Claim 1 to require that contact be made to the external data source through the internet for each session where it is desired to produce a document in usable form. In addition, Applicant has amended independent Claims 1 and 9 to call for such contact to be authenticated.

The Examiner has taken the position that the external data source limitation in Applicant's independent claims reads on element 130 of Blatter which is a smart card. It is believed that the Examiner is taking the position that the term "internet data" in column 3, line 48 of Blatter somehow relates to the protection data called for in Applicant's independent claims. However, the term "internet data" as used by Blatter is used to further explain the more general term "program" in the Blatter reference. In comparison, the term "program" in Applicant's invention corresponds to an encrypted locally stored mass data which requires additional protection data to make the program readable. The Blatter reference makes no reference that additional protection data are communicated externally via a global communication network (internet) or such internet connection is necessary in order to achieve decryption and thereby readability. Rather, Blatter appears to teach the possibility of obtaining encrypted or decrypted mass data via the internet.

In order to more fully distinguish the Blatter reference, Applicant has amended his independent claims to require access to the internet for the protection data for each

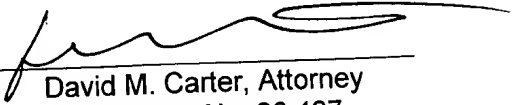
session in which a readable document is to be formed. In addition, the contact is required to be authenticated. Neither of these two limitations are shown or suggested by the Blatter reference. In addition, it should be pointed out that the requirement to access the protected data through the internet for each session is remote from the usage of a smart card device according to the Blatter disclosure. Figure 1 of Blatter, as well as in its specification, particularly of the encryption/decryption path and the storage device 90 / store interface 95 / multiplex 37 / decryptor 50, etc., makes clear that while a provision is made to store electronic media (internet received electronic media) in an encrypt to protect the way, the benefit and intention of the device according to Blatter is independent of use. Clearly, usage of the insertable smart card (column 4, line 16-34) in Blatter, is the only device that is necessary to retrieve encrypted data from storage device 90 and to make it readable for the user without requiring any sort of internet contact before or during this encryption and decryption process.

Furthermore, it is clear that internet authentication in Blatter is not necessary and is not useful. Apparently, the proper authorized use of the device according to Blatter, namely access to encrypted program data, is affected by the use of the necessary smart card to effect the decryption. In Blatter, authentication took place when the person using the Blatter device obtained the smart card, such as by an external purchase transaction. Consequently, the requirements of having an internet connection in each session and having this internet contact for the protected data in an authenticated manner are neither anticipated nor made obvious by the Blatter reference. For the user of the Blatter device to initiate on-line contact for protected data for each session would not make sense since a tv-top box, which is the preferred embodiment of the Blatter invention, would be unsaleable in that no user would subject himself or herself to the hassle of establishing internet contact to simply view programming since in Blatter the required

encryption/decryption data is already available in the smart card. Thus, for a user of the Blatter device to access the internet for each session would be superfluous.

In view of the above Amendment and Remarks, it is believed that this Application is in condition for allowance and an early allowance is solicited.

Respectfully submitted,

By: 
David M. Carter, Attorney
Registration No. 26,407

Carter & Schnedler, P.A.
56 Central Avenue, Suite 101
P.O. Box 2985
Asheville, N.C. 28802

Tel: (828) 252-6225

HPB-7 Amend 2-19-03.doc

MARKED-UP VERSION OF AMENDED CLAIMS

In the Claims:

1. (3x Amended) Apparatus for protecting electronically published documents with a local computer system which can be connected locally by way of a ~~data transmission network~~, the internet to an external data source and which is adapted to call up, execute, or output the electronically published documents, wherein the local computer system comprises local data storage means which is adapted for the storage of data of the electronically published document in a form which is not usable for a user, wherein the local computer system further comprises means for receiving and processing additional protection data provided by the external data source by way of the ~~data transmission means~~ internet, as well as a linking means which is adapted to link a storage content of the local data storage means with the additional protection data and to produce the electronically published document therefrom in a form usable, meaningful or suitable for sensory perception by the user, and wherein the local computer system comprises output means selected in accordance with the type of the document to be electronically published, adapted to call up, execute or output the document in the form usable, meaningful or suitable for sensory perception by the user, wherein the data storage means is adapted to store the electronically published document in a non-reconstructed, in particular a non-linear form, wherein the non-reconstructed document can be converted into a reconstructed linear document, which is usable by the user, by the action of the linking means, utilizing the additional protection data, characterized in that the local computer system is designed to ensure such that a local storage of the produced document in the form usable, meaningful or suitable for sensory perception is not possible, and a readability or usability of the produced document is dependent, in each session, on authenticated contact ~~an online~~, or at least one temporary

authenticated online, contact between the local computer system and the external data source via the ~~data transmission network~~ internet.

9. (3x Amended) A method of protection representation of electronically published documents, comprising the following steps:

- establishing an ~~online~~, contact or at least one temporary ~~online~~, contact between a local computer system and an external data source via a ~~data transmission network~~ the internet,
- calling up document data from a local data storage means which is part of the local computer system and which stores the document data in a non-reconstructed, particularly a non-linear form,
- receiving additional protection data of the external data source connected to the local computer system by way of the ~~data transmission network~~ internet thereby making readability or usability of the produced document dependent, in each session, on authenticated contact ~~the online~~, or at least temporary ~~online~~, authenticated contact between the local computer system and the external data source via the ~~data transmission network~~ internet,
- linking the additional protection data to a content of the local data storage means to produce document data in a form usable, meaningful or suitable for sensory perception by the user,
- calling up, executing or outputting the document data in said form, usable, meaningful or suitable for sensory perception by the user, by means of output means selected in accordance with the type of the document to be published electronically, and
- ensuring such that a local storage of the produced document in the form usable, meaningful or suitable for sensory perception is not possible.

14. (3x Amended) A method as set forth in claim 9 characterized in that the step of receiving the additional protection data includes the following steps:

- encoding of the additional protection data by the external data source,
- transmitting the encoded additional protection data by way of the data ~~transmission network~~ internet, and
- decoding the encoded additional protection data by the local computer system.